

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re: JDS UNIPHASE CORPORATION
SECURITIES LITIGATION

No. C-02-1486 CW (EDL)

DISCOVERY PLAN

This document relates to ALL ACTIONS
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In response to the Court's October 12, 2005 Order, the parties filed a joint proposed discovery plan on October 31, 2005. The Court held a discovery conference on November 8, 2005. For the reasons stated at the conference, the Court orders the following discovery plan for the next phase of discovery:

1. By November 15, 2005, the JDSU Defendants shall produce: (i) documents concerning stock purchases during the Class Period and any reasons for such purchases by Bruce Day, Robert Enos and Casimir Skrzypczak; and (ii) all contact information that the JDSU Defendants have in an "accessible electronic format for all persons they can readily identify as former finance or accounting employees."
2. By November 15, 2005, the JDSU Defendants will complete the production of responsive e-mail during the Class Period in the files of Keith Bisbee, Kevin Kalkoven, Anthony Muller, Jozef Straus and Leo Lefebvre.
3. During the week of December 5, 2005, counsel (including Barbara Hart and Jordan Eth or Terri Garland) will meet and confer regarding: (i) a procedure for sampling documents from the time period following the Class Period; (ii) more narrowly tailored requests for the production of personnel files; (iii) the production of documents in response to Requests 33 and 35; (iv)

1 procedures for identifying additional former finance employees whose information is not readily
2 accessible, beyond those identified in subparagraph (b)(ii) above, ; and (v) the production of exit
3 interviews from former finance or accounting employees.

4 4. During the week of December 5, 2005, counsel will meet and confer regarding: (i) the procedure
5 and timing of the production of data from JDSU's Enterprise Resource Planning database; (ii) the
6 production of all paper and electronic documents, including e-mail from backup tapes and active
7 mail boxes, in the files of the Redbook team; (iii) the timing of the production of diaries,
8 appointment calendars, and telephone logs, as directed in the Court's order of September 7, 2005,
9 and (iv) the sequencing and timing of the JDSU Defendants' remaining production.

10 5. By November 9, 2005, Defendants shall provide to Lead Plaintiff a list showing the server location
11 of e-mail for the remaining individuals for which Lead Plaintiff seeks e-mail production. Those
12 individuals are: Charles Abbe, Don Bossi, Jeff Chase, Dan Clayton, Zita Cobb, Ken Crawford,
13 Harry Deffebach, Kerry Dehority, Rick Fieber, Steve Fife, Dave Fox, John Gordon, Joseph Ip,
14 David King, Fred Leonberger, Peter Moore, Steve Moore, Danny Pettit, Michael Phillips, Shelly
15 Pietrusiak, Charles Ragussa, Maurice Taveres, and Yves Tremblay. The parties shall meet and
16 confer by telephone no later than November 10, 2005 to reach agreement on production of e-mail
17 on a server-by-server basis.

18 6. Lead Plaintiff shall produce documents, including IRS 1099 tax forms, reflecting fees paid to any
19 confidential witness. No later than November 22, 2005, Lead Plaintiff shall respond in writing to
20 interrogatory 25 to identify oral communications with confidential witnesses, including who made
21 the communication and when it was made.

22 7. No later than November 10, 2005, the parties shall meet and confer regarding Defendants'
23 production of the metadata from all copies of the Pitre e-mail.

24 8. No later than November 15, 2005, the parties shall meet and confer regarding Defendants'
25 discovery directed to Lead Plaintiff as listed in the Joint Discovery Plan filed on October 31, 2005
26 at page 17, line 20 through page 18, line 18.

27 9. The parties shall meet and confer regarding the search terms that Defendants are using to review
28 documents. Lead Plaintiff may prepare a reasonable number of additional search terms if they have

1 a good faith basis for doing so.

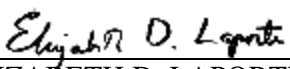
2 10. Defendants shall use their best efforts to encourage their former accountants to produce the
3 accountants' work papers.

4 11. No later than November 9, 2005, the parties shall meet and confer regarding a date for the next
5 discovery conference and the filing of a joint proposed discovery plan for the next phase of
6 discovery following that discussed here, as well as an update on discovery completed in this phase.
7 The joint proposed discovery plan must be filed no later than ten calendar days before the
8 discovery conference. No later than November 14, 2005, the parties shall notify the Court of their
9 joint proposed conference date. The date shall not be later than mid-February 2006, but may be
10 earlier.

11 11. The parties are not limited only to production of the documents described in this Order and in the
12 accompanying Order Granting in Part and Denying in Part Lead Plaintiff's Motion to Compel and
13 Defendants' Motion to Compel. If a party has other documents that the party believes the
14 opposing party should have before the mediation, the party is encouraged to produce those
15 documents.

16 IT IS SO ORDERED.

17 Dated: November 10, 2005



ELIZABETH D. LAPORTE
United States Magistrate Judge